

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEOPOLDO CARDENAS,

Plaintiff,

v.

ELDON VAIL, *et al.*,

Defendants.

No. 09-5602RJB/JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation (Dkt. 30), and the remaining record, does hereby find and ORDER:

- (1) In his objections, plaintiff contends that he was not notified that defendants Canusa Products and Robert Kennedy Publishing Company did not accept service by mail or waive personal service. Dkt. 30. Plaintiff is suggesting that it is someone's responsibility to notify him of what has not been filed in this case. However, if anything is filed in the case, plaintiff is notified by mail. It is plaintiff's responsibility to monitor what has been filed in the case. Because there is no evidence in the file that Canusa Products and Robert Kennedy Publishing Company either accepted service by mail, or waived personal service, this court does not have jurisdiction to enter a default judgment, as requested by plaintiff. The court **ADOPTS** the Report and Recommendation (Dkt. 29);
- (2) As set forth in the Report and Recommendation, this court is without jurisdiction to enter a default judgment against Canusa Products and Robert Kennedy Publishing Company, because there is no evidence in the record that these defendants have been served. Plaintiff's motion for default judgment (Dkt. 26) is **DENIED**.

ORDER ADOPTING REPORT AND RECOMMENDATION- 1

- 1 (3) This matter, including all pending motions, is **RE-REFERRED** to the
2 magistrate judge for further proceedings.
- 3 (4) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J.
4 Richard Creatura.

5 DATED this 15th day of April, 2010.

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8 ROBERT J. BRYAN
9 United States District Judge

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